

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WESLEY J. TURNER,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

8:09CV116

MEMORANDUM AND ORDER

This matter is before the court on the plaintiff's motion for attorney fees under the Equal Access to Justice Act ("EAJA"), [28 U.S.C. § 2412](#). Filing No. [23](#). Pursuant to [42 U.S.C. § 405\(g\)](#), the court entered an order and judgment reversing the Administrative Law Judge and awarding Social Security benefits to the plaintiff. Filing No. [21](#) and Filing No. [22](#). Thereafter, the plaintiff filed this motion for attorney fees with an accompanying affidavit and brief. Filing No. [23](#), Filing No. [24](#) and Filing No. [25](#). The plaintiff requests compensation for 11.15 hours of attorney time, at a rate of \$125.00 per hour, for a total of \$1,923.37. Defendant does not object to the plaintiff's motion for fees or to the amount of fees requested. Filing No. [26](#).

The court concludes that the plaintiff is a "prevailing party" who is entitled to a reasonable attorney fee award. The court has conducted an independent evaluation of the statement for professional services by considering the hourly rate charged by the attorney and has analyzed the number of hours expended on the case and the type of work performed and has determined that 11.15 hours of attorney time for this case is reasonable. See [Hensley v. Eckerhart, 461 U.S. 424, 434 \(1983\)](#).

The court has carefully reviewed the record and, in particular, the itemized amounts set forth in Filing No. [24](#). The court concludes that the amount of \$1,923.37 is a reasonable attorney fee in this matter.

THEREFORE, IT IS ORDERED that the plaintiff's motion for attorney fees, Filing No. [23](#), is granted. The plaintiff is awarded attorney fees in the amount of \$1,923.37. A separate judgment is entered in accordance with this memorandum and order.

DATED this 14th day of April, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Judge

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